

cc: wk
 DAPHNE E. BARBEE 2911
 Attorney & Counselor at Law
 Century Square, Suite 1909
 1188 Bishop Street
 Honolulu, Hawaii 96813
 Telephone: (808) 533-0275

Attorney for Plaintiff

ORIGINAL

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

MAY 08 2006

2 o'clock and 23 min. *LM*
 SUE BEITIA, CLERK
BR

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG/LEK
)	
Plaintiff,)	PLAINTIFF'S SUPPLEMENTAL
)	AUTHORITY IN SUPPORT OF
vs.)	PLAINTIFF'S SECOND MOTION TO
SIDNEY HAYAKAWA, Director of)	COMPEL DISCOVERY; EXHIBITS "8"-
Transportation Security Administration -)	"10"; CERTIFICATE OF SERVICE
Honolulu, KEN KAMAHELE, Deputy)	
Director, Transportation Security)	
Administration-Honolulu;)	
TRANSPORTATION SECURITY)	DATE: May 15, 2006
ADMINISTRATION; THOMAS J.)	TIME: 9:30 a.m.
RIDGE, Secretary, Department of)	JUDGE: Mag. Leslie E. Kobayashi
Homeland Security, DEPARTMENT OF)	
HOMELAND SECURITY; JOHN DOES)	
2-5,)	
)	
Defendants.)	
)	

PLAINTIFF'S SUPPLEMENTAL AUTHORITIES IN SUPPORT OF
PLAINTIFF'S SECOND MOTION TO COMPEL DISCOVERY

Plaintiff RAYMOND WARE by and through his Attorney Daphne E. Barbee and submits the following supplemental authorities in support of Plaintiff's Second Motion to Compel Discovery:

Exhibit 8: Government Accountability Office Audit, evaluation and investigative arm of Congress Report concerning TSA, “Clear Policies and Oversight Needed for Designation of Sensitive Security Information” dated June 29,2005. GAO Findings conclude TSA does not have adequate guidance, procedures, policies and internal controls on criteria for determining what constitutes SSI , training for persons making SSI decisions and internal controls to ensure SSI designation process is consistently applied.

Exhibit 9: In Re September 11 Litigation (S.D.N.Y. 2006)(March 31, 2006). This order concerns defendant TSA’s assertion that deponents did not have to answer questions in pretrial depositions concerning matters they felt were SSI. The Court ruled the depositions should proceed with complete answers, and then later, if TSA attorneys concluded the answers contained SSI, that portion of the deposition would be redacted and sent to the Court of Appeals for a decision. This way, court can proceed. As stated by the Court “...creation of the TSA did not divest the District Courts of their inherent authority to regulate pre-trial and trial procedures in cases over which they preside and to create a proper record of these proceedings for appellate review of their final and in some cases, interlocutory orders.” Id. page 13.

Exhibit10: Washington Post article demonstrating the changes in TSA screening in 2005 allowing sharp objects such as scissors and changes in the screening standards.

DATED: Honolulu, Hawaii, 5-8-06.

D.E.B
DAPHNE E. BARBEE
Attorney for Plaintiff